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March 6, 2023

Via ECF

The Honorable James M. Wicks
Magistrate Judge for the
Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, NY 11722

Re: Harris v. Shore Funding Solutions, Inc., Case No. 231-cv-00789-JMA-JMW

Your Honor:

I represent the defendant Shore Funding Solutions, Inc. (“Defendant” or “Shore Funding”) in the above-referenced proposed class-action lawsuit alleging a single violation of the Telephone Consumer Protection Act (“TCPA”). Pursuant to the Court’s March 1, 2023 Minute Order I submit this letter to notify the Court that it is Defendant’s position that discovery should be bifurcated by initially allowing the parties to conduct discovery regarding plaintiff Tiffany Harris’ (“Plaintiff”) individual claim before class-wide discovery is permitted. This letter is not intended to serve as a formal brief on the issue of bifurcation; Defendant respectfully requests the Court’s permission to file such brief after the scheduling conference to be held on Monday, March 13, 2023 after the parties have had the opportunity to discuss the issue with the Court.

The Complaint alleges that Defendant placed a single call to Plaintiff on April 19, 2022 using a pre-recorded voice and goes on to seek class certification and \$5 million in damages. The present case is one of many TCPA cases that the Plaintiff has pending in various districts across the country, each seeking class certification. Defendant respectfully submits that Plaintiff’s individual claim is distinct from her class allegations. A discovery plan that is tailored to address the merits of her individual claim will permit the resolution of such claims in an efficient and cost-effective manner prior to undertaking expensive class-wide discovery should such class-wide discovery be deemed necessary. Should Plaintiff be unable to sustain her individual claim such determination would be dispositive of class issues thereby negating the need for further discovery.

I look forward to discussing the issues raised in this letter during Monday’s conference call.

Sincerely,



Clifford Olshaker